

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI

UNITED STATES OF AMERICA

Plaintiff,

-vs-

Criminal Action No.
4:20-CR-00266-DGK-1

EARL B. PENN,

Defendant.

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

The following matters were discussed and action taken during the pretrial conference:

PENDING CHARGE: Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2)

TRIAL COUNSEL:

Government: Brandon E. Gibson

Case Agent: Special Agent Timothy Phipps

Defense: Lesley D. Smith

OUTSTANDING MOTIONS: None presently

ANTICIPATED MOTIONS: Motions in Limine

TRIAL WITNESSES:

Government: 5 with stipulations; 11 without stipulations

Defense: 11 witnesses, including Defendant who ☐ will
☒ may
☐ will not testify

TRIAL EXHIBITS:

Government: 40 exhibits

Defense: 20-30 exhibits which are expected to be duplicative

DEFENSES:

☒ defense of general denial

☐ defenses of general denial and _____

POSSIBLE DISPOSITION:

☒ Definitely for trial

☐ Possibly for trial

☐ Motion to continue to be filed

☐ Likely a plea will be worked out

TRIAL TIME: 2 – 2½ days

Government's case including jury selection: 1½ - 2 days

Defense case: ½ day

STIPULATIONS:

☐ not likely

☐ not appropriate

☒ possibly as to:

☒ chain of custody

☐ chemist's reports

☒ prior felony conviction

☒ interstate nexus of firearm

☐ other: _____

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Witness and Exhibit Lists:

Government: December 27, 2021

Defense: December 27, 2021

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: Monday, December 27, 2021

Jury instructions must comply with Local Rule 51.1

Motions in Limine: December 27, 2021

TRIAL SETTING: Criminal jury trial docket commencing January 10, 2022

Please note: Defense Counsel has a sentencing set before Judge Sachs on January 13, 2022 at 9:30 AM in case 4:20-cr-00222-HFS-1; a sentencing before Judge Fenner on January 19, 2022 at 11:00 AM in case 4:19-cr-00326-GAF-1, and a final revocation hearing before Judge Fenner also on January 19, 2022 at 1:30 PM in case 4:17-cr-00051-GAF-1.

OTHER:

☐ A _____-speaking interpreter is required.

☐ Other assistive devices: _____

IT IS SO ORDERED.

/s/ Jill A. Morris

JILL A. MORRIS

United States Magistrate Judge